



General Assembly

January Session, 2005

Committee Bill No. 522

LCO No. 3382

03382SB00522JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE TRANSFER OF JUVENILES BACK TO
THE JUVENILE COURT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2005*):

4 (a) The court shall automatically transfer from the docket for
5 juvenile matters to the regular criminal docket of the Superior Court
6 the case of any child charged with the commission of a capital felony, a
7 class A or B felony or a violation of section 53a-54d, provided such
8 offense was committed after such child attained the age of fourteen
9 years and counsel has been appointed for such child if such child is
10 indigent. Such counsel may appear with the child but shall not be
11 permitted to make any argument or file any motion in opposition to
12 the transfer. The child shall be arraigned in the regular criminal docket
13 of the Superior Court at the next court date following such transfer,
14 provided any proceedings held prior to the finalization of such transfer
15 shall be private and shall be conducted in such parts of the courthouse
16 or the building wherein court is located as shall be separate and apart

17 from the other parts of the court which are then being held for
18 proceedings pertaining to adults charged with crimes. The file of any
19 case so transferred shall remain sealed until the end of the tenth
20 working day following such arraignment unless the state's attorney
21 has filed a motion pursuant to this subsection, in which case such file
22 shall remain sealed until the court makes a decision on the motion. A
23 state's attorney may, [not later than ten working days] at any time after
24 such arraignment, file a motion to transfer the case of any child
25 charged with the commission of a class B felony or a violation of
26 subdivision (2) of subsection (a) of section 53a-70 to the docket for
27 juvenile matters for proceedings in accordance with the provisions of
28 this chapter. The court sitting for the regular criminal docket shall,
29 after hearing and not later than ten working days after the filing of
30 such motion, decide such motion.

31 (b) Upon motion of a juvenile prosecutor and order of the court, the
32 case of any child charged with the commission of a class C or D felony
33 or an unclassified felony shall be transferred from the docket for
34 juvenile matters to the regular criminal docket of the Superior Court,
35 provided such offense was committed after such child attained the age
36 of fourteen years and the court finds ex parte that there is probable
37 cause to believe the child has committed the act for which [he] the
38 child is charged. The file of any case so transferred shall remain sealed
39 until such time as the court sitting for the regular criminal docket
40 accepts such transfer. The court sitting for the regular criminal docket
41 may return any such case to the docket for juvenile matters [not later
42 than ten working days] at any time after the date of the transfer for
43 proceedings in accordance with the provisions of this chapter. The
44 child shall be arraigned in the regular criminal docket of the Superior
45 Court by the next court date following such transfer, provided any
46 proceedings held prior to the finalization of such transfer shall be
47 private and shall be conducted in such parts of the courthouse or the
48 building wherein court is located as shall be separate and apart from
49 the other parts of the court which are then being held for proceedings
50 pertaining to adults charged with crimes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2005	46b-127(a)
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Statement of Purpose:

To allow the adult court to transfer a child's case back to the juvenile court at any time.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARP, 10th Dist.

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